

Atty. Docket No. CH9-2000-0019US1
(590.082)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejection present in the outstanding Office Action in light of the following remarks.

Applicants note the outstanding Office does not acknowledge the claim for priority made in the present application, or the fact that a certified copy of the priority document was submitted at the time the application was filed. Applicants respectfully request that the claim for priority be acknowledged.

Claims 1-16 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 14, 15, and 16 are independent claims; the remaining claims are dependent claims.

Claims 1, 15 and 16 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed. Should the rejection not be withdrawn in view of the comments below, clarification of the rejection is requested.

Claims 1-8 and 10-16 stand rejected under 35 USC § 102(e) as being anticipated by Wecker et al. Reconsideration and withdrawal of this rejection is respectfully requested.

As best understood, Wecker et al. appears to be directed to the use of an Internet System in rewarding web site visitors who access a web site with a reward of an electronic reward debit card, such as an electronic free telephone calling card. (Col. 1, lines 16-19) In particular, in Wecker et al. consumers submit a form electronically to the system's secure server where the data contained in the submitted form is parsed against the advertiser's defined criteria. (Col. 7, lines 47-52)

Transmitting substantial information to a server in Wecker et al. stands in stark contrast to the present invention. As discussed in the specification, among the advantages of the present invention is a reduction in the peak load of data transfer through the networks. (Page 3, lines 20-21) In other words, the present invention advantageously reduces the amount of packets sent through the networks. (Page 5, lines 21-22) In accordance with at least one presently preferred embodiment of the invention, forwarding rules are used to configure one or more routers that forward response packets to the server. (Page 5, lines 11-13) The configuring of the routers may include, individually or in combination, to instruct said routers to discard response messages containing predetermined response options, to forward response messages containing a certain response option to a specified host connected to one of said networks, to combine more than one response messages arriving in a given time frame and to forward the combined messages as one message, to store the selected option of said response options in conjunction with the identity of the sender or to determine the amount of received response messages for each response option. (Page 5, lines 11-20)

Claim 1 recites, *inter alia*, setting up packet forwarding rules in said networks specifying a particular treatment for said returned packets dependent on said predetermined response options. Similar language also appears in the other Independent Claims. It is respectfully submitted that Wecker et al. clearly falls short of present invention (as defined by the independent claims) in that, *inter alia*, it does not disclose setting up packet forwarding rules in said networks specifying a particular treatment for said returned packets dependent on said predetermined response options. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction.” *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

Claim 9 stands rejected under 35 USC § 103(a) as obvious over Wecker et al. in view of Cankaya et al. Specifically the Office asserted that “[i]t would have been obvious ... to incorporate the technique of combine the multicast packets or message into a single multicast burst in a given time frame as taught by Cankaya into the Wecker's apparatus in order to utilize the filter and forward processes on the secure server.” Reconsideration and withdrawal of the present rejection is hereby respectfully requested.

A 35 USC § 103(a) rejection requires that the combined cited references provide both the motivation to combine the references and an expectation of success. Not only is there no motivation to combine the references, no expectation of success, but actually

combining the references would not produce the claimed invention. Thus, the claimed invention is patentable over the combined references and the state of the art.

Cankaya et al. does not overcome the deficiencies of Wecker et al. set forth above. In that regard, Cankaya et al. as presently understood appears to be directed to providing dynamic burstification of multicast traffic based on fully/partially shared multicast entities in optical network systems. (Col. 1, lines 7-10) As stated in the specification, the invention of Cankaya et al. provides a technical advantage by providing an optimized way to assemble multiple multicast data packets into a single multicast burst. (Col. 2, lines 30-34)

Combining Wecker et al. and Cankaya et al. would result in "assembling" the form data from various customers for transmission to the server, not reducing the amount of data transmitted to the server. Even if there were a motivation for the combination, this combination does not teach or suggest the claimed invention.

In view of the foregoing, it is respectfully submitted that independent Claims 1, 14, 15, and 16 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claim 1, it is thus also submitted that Claims 2-13 are also allowable at this juncture.

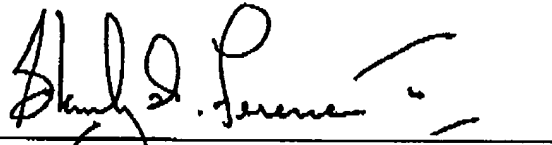
The "prior art made of record" has been reviewed. Applicants acknowledge that such prior art was not deemed by the Office to be sufficiently relevant as to have been applied against the claims of the instant application. To the extent that the Office may

Atty. Docket No. CH9-2000-0019US1
(590.082)

apply such prior art against the claims in the future, Applicants will be fully prepared to respond thereto.

In summary, it is respectfully submitted that the instant application, including Claims 1-16, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 35195
FERENCE & ASSOCIATES
400 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants